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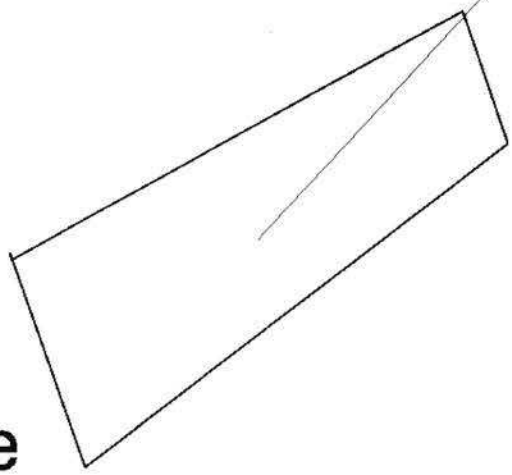

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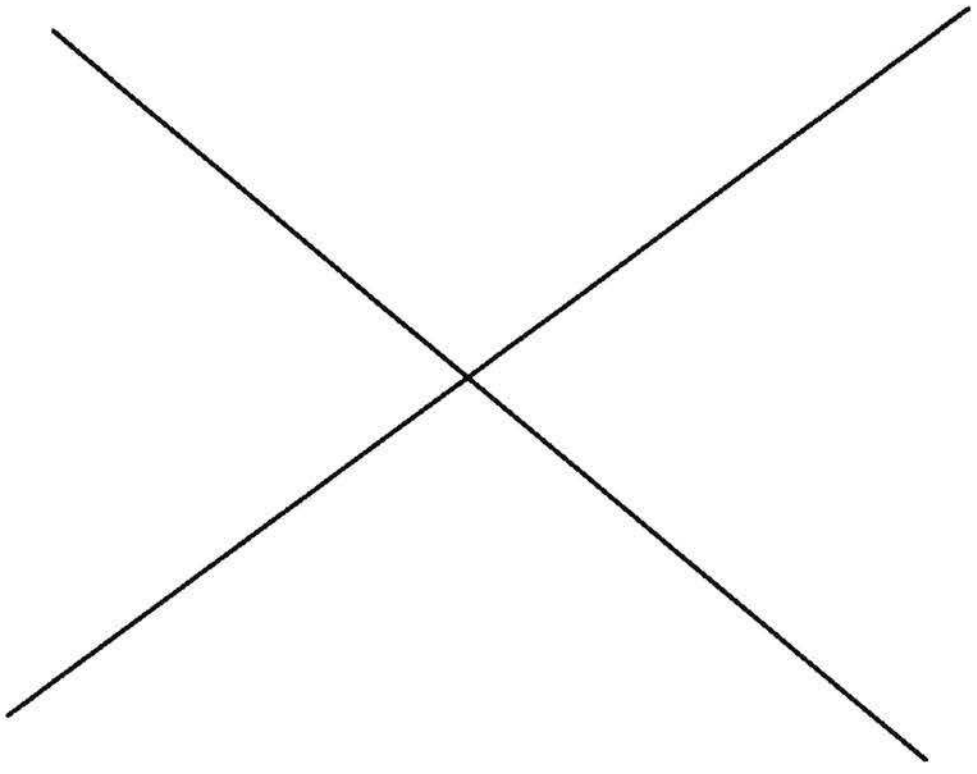

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ARGENTINA: Military Trials. (U)

(U) The Supreme Council of the Armed Forces has informed the civilian National Appellate Court that it will not reach a verdict before the 12 October deadline in the human rights violation trials.

~~(C/NF)~~ These trials are for the nine members of the last three military juntas and other military personnel. The council legally justified the juntas' actions during the antiterrorist campaign and further concluded that the former junta members "could only be indirectly charged with failing to establish appropriate, opportune, and efficient control measures to prevent, frustrate, or condemn the crimes that may have been committed." The council's statement was disclosed just 5 days after the release of the 50,000-page Sabato Commission Report on alleged human rights abuses by the military (DIADIN 264-12A, 20 September). The report states that much information that could have been used as evidence against the military was destroyed before the inauguration of the new civilian government last December. Earlier, the Appellate Court granted a 90-day extension because several hundred trials were in progress and under study. Should the judiciary decide not to extend the council's mandate--an extension the council did not request--then most if not all of its human rights cases could be forwarded to the judiciary for adjudication.

COMMENT: ~~(C/NF)~~ If the civil courts assume jurisdiction over these cases, military personnel who are suspicious of the civilian government are likely to ignore the fact that the military court prompted the move by its own actions. Regardless, it is the judiciary and not the executive branch that must determine whether the actions of the military court comply with procedural methods and the course of action to be taken on the 12th. The council's action undoubtedly has complicated President Alfonsin's efforts to have the military court pronounce sentence on its own peers. Civil prosecution would lead to numerous and lengthy trials and probably would be equal in duration to a congressional investigation, which has also been mentioned. Disclosure of the Sabato and Armed Forces Council reports have once again focused attention on the controversial human rights issue, thus adding new tensions to the government's delicate relations with the military. ~~(DBCL OADR)~~

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